

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

SUBJ: RAILROAD SAFETY ADVISORY COMMITTEE

1. PURPOSE

This document establishes the Railroad Safety Advisory Committee and constitutes its charter, as stipulated in the Federal Advisory Committee Act (P.L. 92-463, Title 5 U.S.C. Appendix II).

2. BACKGROUND

The collaborative rulemaking process is an effective approach to FRA's rulemaking agenda that fully involves our affected entities, makes the best use of resources, and accommodates the rapidly evolving changes in the rail transportation industry. By harnessing the combined wisdom, resources, and experience of railroad industry experts who have the greatest knowledge and interest in promoting rail safety, including security, FRA is able to leverage its resources to produce rules that are more responsive, flexible, and better accepted by those required to implement them.

3. OBJECTIVE AND SCOPE OF ACTIVITIES

The Committee will provide a continuing forum for advice and recommendations on railroad safety issues, including security. As all interested segments of the railroad industry and the public will be represented on the Committee, all of FRA's affected entities and the public will have a more direct role in shaping FRA's regulatory program. The Committee will allow management, labor, FRA, the Transportation Security Administration, and other interested parties cooperatively to address safety and security problems by identifying the best solutions based on agreed-upon facts, and where regulation appears necessary, identify regulatory options to implement these solutions.

4. ORGANIZATION

- a. The Committee will be comprised of 63 individual representatives from 40 member organizations, representing various rail industry perspectives, two associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, and other diverse groups. Staffs of the National Transportation Safety Board and the Federal Transit Administration also participate in an advisory capacity. The number of seats awarded to each member organization will be divided among the interests it represents. The Committee will have sufficient diversity to ensure the requisite range of views and expertise necessary to discharge its responsibilities. The membership on the Committee

will be fairly balanced with points of view representative of the railroad community, including those of railroad owners, manufacturers, labor groups, State government groups, and public associations. To foster harmonization of railroad safety and security standards at their inception, the agencies with regulatory responsibility for railroad safety in both Canada and Mexico will be extended Associate Memberships that will not include any voting rights, and the Transportation Security Administration will be given a full voting membership. The members of the Committee will be designated by the Administrator from the nominees of the organizations listed on the attachment to this charter.

b. The Committee is authorized to constitute an Executive Committee and such subcommittees as the Administrator and the Committee find necessary to discharge its responsibilities.

5. ADMINISTRATION

a. The Administrator of the Federal Railroad Administration is the sponsor of the Committee and accepts or rejects recommendations produced by the Committee. The Administrator's representative (the Associate Administrator for Safety or that person's delegate) shall serve as Chairperson. The RSAC Coordinator is the Designated Federal Officer (DFO) for this advisory committee and its subcommittees and shall ensure that administrative support is provided for all activities.

b. The DFO shall be responsible for:

(1) Determining, with the approval of the sponsor and the Committee Chair, when a meeting is required and where it is to be held.

(2) Formulating and approving an agenda for each meeting, which will be incorporated in the Federal Register in accordance with the provisions in section (e) below.

(3) Notifying all members of the time, place, and agenda for any meeting.

(4) Attending all meetings and is authorized to adjourn the meeting whenever doing so would be in the public interest.

(5) Maintaining all Committee files and records.

c. The Committee will meet approximately three times a year.

d. Minutes must be kept of each advisory committee meeting. The minutes must include:

- (1) The time, date, and place of the meeting.
- (2) A list of all attendees at the meeting.
- (3) A summary of matters discussed and conclusions reached.
- (4) Copies of all reports received, issued, or approved by the Committee.
- (5) A description of the extent to which the meeting was closed to the public, if authorized under 41 CFR 101-6.1023.
- (6) A description of public participation, including a list of the members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting.

e. Timely notice^o of committee and subcommittee meetings must be published in the Federal Register at least 15 calendar days before the meeting, except in exceptional circumstances, provided the reasons for giving less than 15 calendar days notice are included in the meeting announcement published in the Federal Register.

6. ESTIMATED COST

It is estimated that the Committee's operating costs during Fiscal Years 2008 and 2009 will be \$215,000 annually plus salary and expenses for approximately 2-3 support staff directly involved with the Committee. The Office of Safety and the Office of Chief Counsel shall provide staff support for the Committee.

7. COMPENSATION

- a. Members of the Committee who are not full-time employees of the U.S. Government serve without compensation.
- b. Members of the Committee who are full-time employees of the U.S. Government serve without additional compensation but may be allowed transportation and per diem in lieu of subsistence and other expenses in accordance with the Department of Transportation Civilian Travel Regulations.

8. PUBLIC PARTICIPATION

Each meeting of the Committee shall be open to the public. Persons wishing to appear before the Committee will have to make prior arrangements to do so. Written materials may be submitted to the Committee at any time. Each meeting will be held at a reasonable time, in a place reasonably accessible to the public, and in a room large enough to accommodate the Committee members, staff, and interested members of the public. Meetings may be closed to the public only as authorized by Section 10(d) of the Federal Advisory Committee Act (Title 5 U.S.C. Appendix II), as implemented by 41 C.F.R. Part 101-6.

9. AVAILABILITY OF RECORDS

Subject to the Freedom of Information Act (5 U.S.C. §552) and the Department's regulations governing the protection of sensitive security information (49 C.F.R. part 15), the records, reports, transcripts, minutes, and other documents that are made available to, or prepared for or by, the Committee are available for public inspection at www.regulations.gov under the Federal Railroad Administration docket # 2000-7257.

10. PUBLIC INTEREST

The formation and use of the Railroad Safety Advisory Committee are determined to be in the public interest in connection with the performance of duties imposed on the Secretary, and delegated to the Federal Railroad Administrator, by the Federal railroad safety statutes (49 U.S.C. §§20101-21311). See Memorandum of the President entitled "Regulatory Reinvention Initiative" (March 4, 1995) and Sec 6(a), Executive Order 12866 (Sept. 30, 1993).

11. EFFECTIVE DATE AND DURATION

This Committee is effective 5/17/2008, which is the filing date of this charter. The Committee will remain in existence for 2 years after this date unless sooner terminated or renewed.